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Subject: FW: Draft Revised Tentative NPDES Permit and Response to Comments for Long Beach WRP
Date: Tuesday, May 12, 2015 1:28:28 PM
Attachments: [Long Beach WRP Revised Tentative NPDES Permit 5-12-15 with RW Marine Tox.docm](#)
[LBWRP Response to Comments 5-12-15.docx](#)

Here are the response to comments for Long Beach and Los Coyotes. Please note Raul's discussion below.

Please review and get back to us.

Thanks,
Cris

From: Medina, Raul@Waterboards
Sent: Tuesday, May 12, 2015 1:23 PM
To: Morris, Cris@Waterboards
Subject: Draft Revised Tentative NPDES Permit and Response to Comments for Long Beach WRP

Please review the attached draft Revised Tentative NPDES Permit and Response to Comments (RTC) for Long Beach WRP. The comments received on the Valencia/San Jose permit is almost identical to the ones received for Long Beach/Los Coyotes permit. The only new comment presented is regarding *PMSD* that states:

The Tentative Permit specifically disallows application of the method-required PMSD criteria.
(Comment A-3, page 5 of the RTC).

Staff response:

It is USEPA's position that applying EPA's 2000 concentration-response pattern review guidance and/or inapplicable NOEC/LOEC variability criteria (i.e., PMSDs) to the TST – an unrelated statistical approach – prior to reporting compliance will undercut the transparency of the reported toxicity result, shroud a potentially non-compliant result prior to reporting, and diminish the reliability and enforceability of the permit and its toxicity limits.

As described in the bioassay laboratory audit directives to the San Jose Creek Water Quality Laboratory from the State Water Resources Control Board dated August 7, 2014, and from the USEPA dated December 24, 2013, the Percent Minimum Significant Difference (PMSD) criteria only apply to compliance reporting for the NOEC and the sublethal statistical endpoints of the NOEC, and therefore are not used to interpret TST results.

The attached RTC table summarizes all the comments received including draft responses. All of those responses were taken verbatim from the Valencia RTC. Please note that the Los Coyotes WRP received identical comments regarding toxicity.

JOS also commented that:

As additional footnote needs to be added in Table E-5 under the “Required Analytical Method” column for chronic toxicity. The footnote should say “For monitoring locations with brackish waters (RSW-003, RSW-004, RSW-005, and RSW-006) the preferred protocol for estimating chronic toxicity is the Short Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to West Coast Marine and Estuarine Organisms (EPA/600/R-95/136, 1995).”

The permit does not contain test conditions and the associated test species for the brackish water monitoring locations RSW-003, RSW-004, RSW-005, and RSW-006. The Short Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to West Coast Marine and Estuarine Organisms (EPA/600/R-95/136, 1995) allow for a higher salinity test range (34‰). Salinity at this range is typical at the brackish water monitoring locations. In addition, use of this protocol allows for the use of representative local species. The current required methods (described in 40 CFR part 136) are conducive to testing conditions at or less than 32‰. Past data has indicated numerous times in which the salinity at the brackish water monitoring locations (RSW-003, RSW-004, RSW-005, and RSW-006) has exceeded this salinity.

Staff response:

Staff agree to incorporate the described footnote in Table E-5 (now Table E-6). However, clarifying language was added to describe at what salinity conditions the test methods for marine/estuarine organisms would apply. New sampling requirement for salinity will be required.

Staff also revised the MRP section V.A. by: (1) adding section V.A.4 - Chronic Marine and Estuarine Species and Test Methods, (2) adding a paragraph in section V.A.5 – Species Sensitivity Screening, for receiving water with brackish condition, and (3) adding Table E-5 - USEPA Test Methods and Test Acceptability Criteria for West Coast Marine and Estuarine Organisms.

As a result of the proposed revisions above, a revised tentative permit was prepared. Please focus your review starting on page E-12 of the MRP. The proposed footnote is found on Table E-6, page E-10 of the MRP.